

REMARKS

The following remarks are made in response to the Office Action mailed November 30, 2007. Claims 16-29 and 47-59 have been withdrawn from consideration. Claims 1-15, 30-46 and 60-63 were rejected. Claims 1-15, 30-46, and 60-63 remain pending in the application and are presented for reconsideration and allowance.

Telephonic Interview With Examiner

A telephonic interview was held with the Examiner on February 15, 2008, to discuss the Declaration under 37 C.F.R. 1.131 submitted by the Applicant with the Response filed on August 30, 2007, and for which the Applicant would like to thank the Examiner for at this time. During the interview, the Examiner indicated that if the Applicant would submit a Supplemental Declaration further detailing the limited and non-public nature of the distribution of Exhibit A of the original Declaration, Exhibit A would be removed as a statutory bar under 35 U.S.C 102(b) and given new consideration with regard to the present rejections of the pending claims in the application. Accordingly, such a Supplemental Declaration is filed herewith.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-15, 30-46, and 60-63 were rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Exhibit "A" titled "LED Power Airfield Surface Location System".

With this Response, Applicant is filing a Supplemental Declaration under 37 C.F.R. 1.131 detailing the limited and non-public nature of the distribution of Exhibit A of the original declaration, in accordance with the Examiner's recommendations. As such, Applicant submits that Exhibit A does not constitute a publication under 35 U.S.C. 102(b), and respectfully requests that the rejection of claims 1-15, 30-46, and 60-63 under 35 U.S.C. 102(b) be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-15, 30-46 and 60-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mallet et al. U.S. Patent No. 6,920,390 (“Mallet”) in view of Runnels U.S. Patent No. 4,527,158 (“Runnels”) and Giannopoulos et al. U.S. Publication No. 2003/0125868 (“Giannopoulos”).

Under 35 U.S.C. 35 U.S.C. § 103(a), a cited reference can be removed as prior art if the date of invention of pending application predates the prior art date of the cited reference. Here, the earliest prior art date for Mallet is the May 18, 2001, filing date of U.S. Provisional Application No. 60/291,644 to which Mallet claims benefit, and the earliest prior art date for Giannopoulos is its filing date of December 27, 2001.

With this Repsonse, as described above, Applicant is filing a Supplemental Declaration under 37 C.F.R. 1.131 to supplement the original Declaration under 37 C.F.R. 1.131 submitted with the Response filed August 30, 2007. Together, the original Declaration and Supplemental Declaration establish that the Applicant conceived the present invention of claims 1-15, 30-46 and 60-63 prior to the earliest prior art date of May 18, 2001, for Mallet and the earliest prior art date of December 27, 2001 for Giannopoulos. As such, based on the Declaration under 37 C.F.R. 1.131, Applicant respectfully requests that both Mallet and Giannopoulos be removed as prior art under 35 U.S.C. § 103(a). With the removal of Mallet and Giannopoulos as prior art under 35 U.S.C. § 103(a), Applicant submits that the rejection of claims 1-15, 30-46 and 60-63 under 35 U.S.C. § 103(a) as being over Mallet in view of Runnels and Giannopoulos no longer apply.

As such, Applicant respectfully requests that the rejection of claims 1-15, 30-46 and 60-63 under 35 U.S.C. § 103(a) be withdrawn and that claims 1-15, 30-46 and 60-63 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-15, 30-46 and 60-63 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-15, 30-46, and 60-63 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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